

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

PETE MONSTELLO, )  
Plaintiff, )  
v. ) CIVIL NO. 3:11cv525-JRS  
MICHAEL J. ASTRUE, )  
Commissioner of Social Security, )  
Defendant. )  
\_\_\_\_\_  
)

**FINAL ORDER**

This matter is before the Court on the Report and Recommendation of the Magistrate Judge (R&R) entered on July 18, 2012 (ECF No. 10). The time to file objections has expired and neither party has objected to the R&R. Having considered the matter and deeming it otherwise proper and just to do so, it is hereby ORDERED:

- (1) The Report and Recommendation (ECF No. 10) is ADOPTED as the opinion of this Court.
- (2) Plaintiff's Motion for Summary Judgment (ECF No. 6) is DENIED.
- (3) Defendant's Motion for Summary Judgment (ECF No. 8) is GRANTED.
- (4) The decision of the Commissioner is AFFIRMED.
- (5) This case is CLOSED.

Let the Clerk of the Court send a copy of this Final Order to Plaintiff and all counsel of record.

It is so ORDERED.

Richmond, Virginia  
Date: 8-7-12

/s/  
James R. Spencer  
United States District Judge